

Wahkiakum - Cathlamet Shoreline Master Program Update



REGIONAL PLAN: A Joint Effort

Wahkiakum County and the Town of Cathlamet are updating their Shoreline Master Program. The regional plan is a joint effort with local citizens, interested stakeholders, and the Department of Ecology.

See also these related Ecology publications:

- [SMP Frequently Asked Questions](#)
- [SMPs: Making Sense of Tough Issues](#)

Special accommodations

To request ADA accommodation for disabilities, or printed materials in a format for the visually impaired, call Ecology at 360-407-7668. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

Ongoing Dialogue

As Wahkiakum County and the Town of Cathlamet continue work on a comprehensive update to their existing Shoreline Master Program (SMP), some key issues of concern have been raised. Ecology is a committed partner in the local implementation of Washington's Shoreline Management Act (SMA) to benefit our valuable shorelines and reflect this community's values and vision. This document is intended to provide accurate information to assist the ongoing SMP dialogue.

Some of the Key Issues

Topics covered in this handout include:

- SMA Goal & Policies
- Shoreline Jurisdictional Extent
- Agriculture
- Overwater Residential
- Property Values
- Restoration Planning
- Permitting
- Existing Use & Development
- SMP Update Process

SMA Goal & Policies

The Act's overarching goal is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

This goal is supported by three broad policies:

- Foster reasonable & appropriate shoreline development, especially for water-dependent uses.
- Encourage public shoreline access and recreation.
- Protect shoreline environmental resources.

Defining Jurisdictional Extent

The SMP applies both in the water and on land for “Shorelines of the State”. “Shorelines,” include streams and rivers with mean annual flow over 20 cubic feet per second (cfs). Larger streams and rivers have even greater importance and are called “Shorelines of Statewide Significance”.

“Shorelands” include a limited extent of uplands adjacent to these water bodies. The minimum jurisdictional extent for shorelands is 200 feet from the ordinary high water mark, with some required and optional features to be included beyond that distance.

These 200 feet are not a buffer or setback distance, but simply establish a boundary for the area where the SMP will apply. The SMP does not apply outside shoreline jurisdiction.

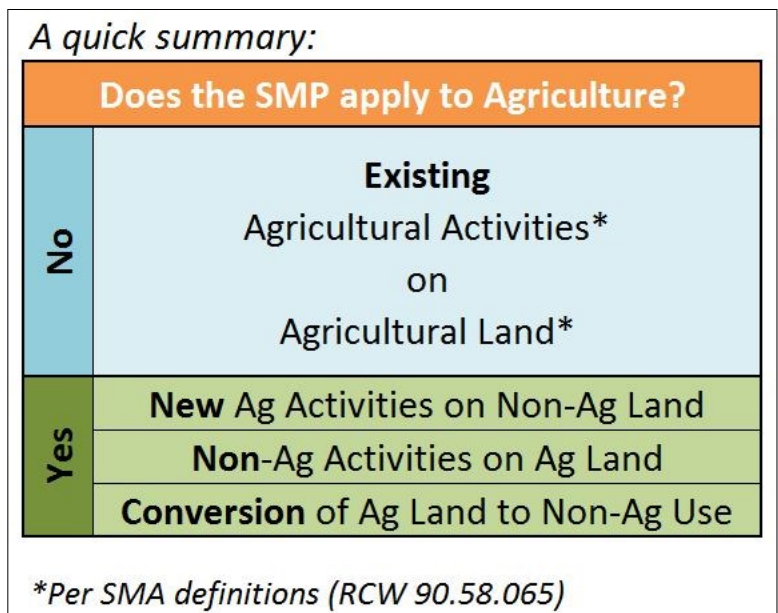
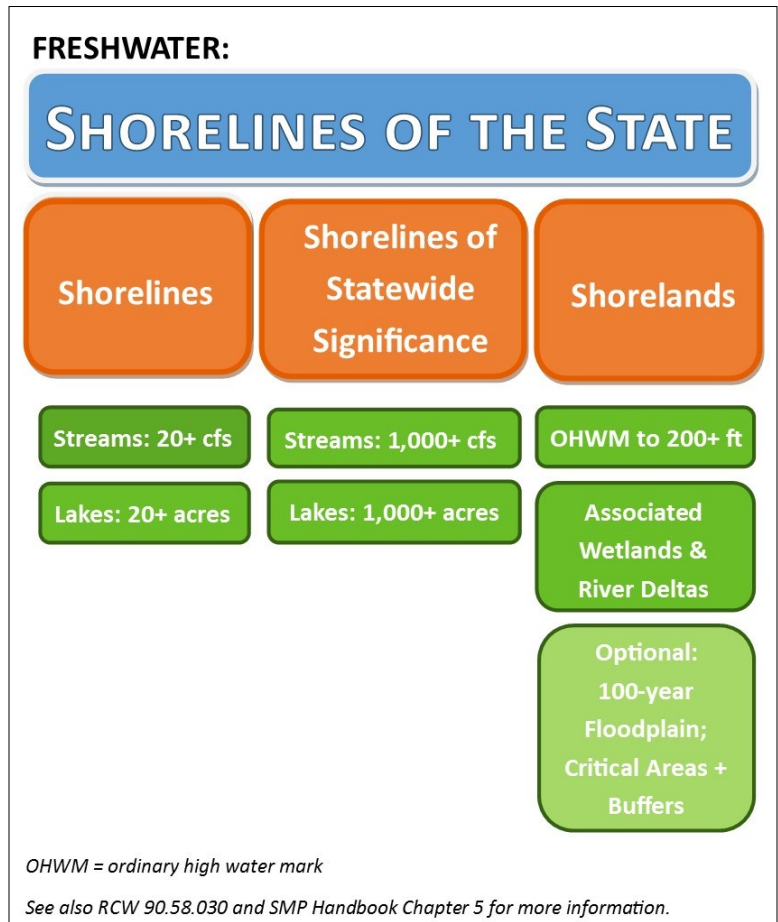
Agriculture

Per state law, existing agricultural activities on agricultural lands are not retroactively subject to updated SMP requirements. An active farm can continue ongoing operations and maintain, repair or replace existing equipment or facilities.

Changes to ongoing farm operations will not trigger permit requirements. Examples of this include a farm changing from crops to livestock, or utilizing fallowing/dormancy cycles. The new SMP will only apply to:

- New agriculture on non-agricultural lands;
- Non-agricultural use/development on agricultural land; and
- Conversion of agricultural land to other uses.

As new farm start-ups may not be common, perhaps the most likely occurrence is the addition of a new barn or farm facility where one previously did not exist. Such a proposal would trigger SMP requirements based on project specifics.





Overwater Residential

While single-family homes are not water-dependent they are identified as a priority shoreline use, however overwater residences are not granted this preferred status. Overwater residences include floating homes (also called houseboats) and homes built on pilings or that otherwise overhang the water. Floating homes are residential dwelling units built on floats anchored to the shore or aquatic bed to maintain a fixed position.

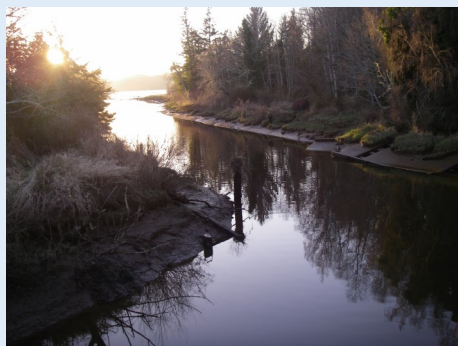


Existing overwater homes may be allowed improvements associated with life safety matters and property rights. Maintenance, repair and replacement of a legally established existing floating home will be allowed by the new SMP. New overwater residences are prohibited by the state's SMP Guidelines to reduce additional impacts to sensitive shoreline resources.

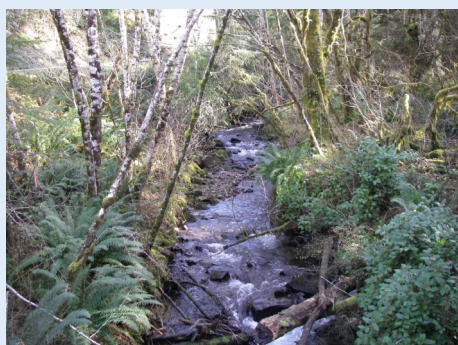


Property Values

State law expressly requires that SMPs recognize and protect constitutional private property rights. Prior to final adoption, local government must conduct an analysis to ensure that SMP requirements do not result in a 'taking' or deprive a landowner of reasonable use of their property.



The U.S. Constitution does allow state and local government to limit activities for a legitimate public benefit. For example, requiring vegetated buffers to prevent excess sediment and polluted runoff from damaging habitat for salmon, a public resource. Buffer widths are established locally by the SMP and based on sound science. In most cases, buffers do not deprive landowners of reasonable use of their property and provide benefits to the safety, habitat, aesthetic and recreational features. Buffer adjustment options provide relief in certain situations. In those limited instances where the buffer precludes or significantly interferes with a reasonable use, the property owner may obtain a variance to allow a proposed use or development that otherwise meets SMP requirements.



Restoration Planning

As part of the comprehensive SMP update, the county and town are preparing a Shoreline Restoration Plan. This plan identifies voluntary opportunities to improve areas where the environment is degraded. Local SMPs cannot require landowners to restore their shorelines, although mitigation may be a required component of a development project. Careful project planning and installation will ensure that shoreline restoration efforts do not have unintended consequences.

**New Permit Exemption:
Handicapped-access retrofits**

Recent concerns were voiced about a nearby example where a streamside church wanted to add a wheelchair lift, a development that required a building permit and a shoreline SDP:

- The project was approved and permits were issued.
- Concerned that permit fees were too much, constituents contacted their State Representative, who sponsored a legislative bill amending the SMA. The bill exempted handicapped-access retrofits of an existing structure to meet ADA standards from the shoreline SDP requirement.
- Ecology supported the bill as a useful addition and in response to similar concerns in other shoreline communities across the state.
- State legislature passed [ESHB 2847](#) making the new exemption effective in June 2016.



Permitting

Along with project design, engineering, materials and labor, permits are part of the cost of development. The SMP identifies what type of permit is required for specific use, development and modification activities, but not permit cost. Local government separately establishes a fee schedule so an SMP update may not change permit costs at all.

Even when no shoreline permit is required, a building permit and other approvals may be needed. Many SMP updates across the state are taking the opportunity to clarify and streamline permit requirements to the benefit of both applicants and staff.

Types of shoreline permits include:

SDP - Substantial Development Permit Only proposed projects that meet the definition of substantial development require a shoreline SDP. Based on fair market value, this definition is set by the legislature.

SDP Exemption State law exempts some activities from the basic SDP so that only administrative review for an exemption approval is required by local government, reducing project review time and cost. Exempt activities must still meet SMP standards and exemption approvals may be conditioned to avoid life safety risks and ensure that resources are adequately protected.

CUP - Conditional Use Permit The SMP identifies types of projects that are more complex, in sensitive or risky locations, or have greater potential for impacts that require the increased scrutiny of a conditional use permit to address site-specific issues.

VAR: Variance Permit Proposed projects that can't meet the SMP's bulk and dimensional standards may seek a shoreline variance to ensure that the requirements don't prevent reasonable use of the property.

New Shoreline Use & Development*		Review Authority
All shoreline activities must be consistent with the SMP		Local
Permits	Letter of Exemption Approval (XMT)	Local; File w/ Ecology
	Shoreline Substantial Development Permit (SDP)	Local; File w/ Ecology
	Shoreline Conditional Use Permit (CUP)	Local; Ecology Final Approval
	Shoreline Variance Permit (VAR)	Local; Ecology Final Approval

*SMP does not apply retroactively to continuation of legally pre-existing use/development.

Existing Use & Development

A primary question for most shoreline property owners is “How will the new SMP affect me?” For many, the answer is ‘little to not at all’. While all shoreline activities must meet SMP requirements, the continuation of existing homes and businesses will not require shoreline permitting.

In most situations:

- Existing shoreline uses and development can continue to operate as usual.
- Existing structures don’t need to be relocated out of new buffer and setback areas.
- Repair and maintenance of existing structures is allowed.
- Damaged structures can be rebuilt.

Existing use and development that was legal under previous regulations but which would not be allowed if proposed under the new SMP is generally considered “legally non-conforming.” This ‘grandfathering’ recognizes and protects what is already in place.

The SMP primarily applies to future activities. Buffers apply to new construction and new installations may require permits and mitigation to offset impacts. Tree cutting in buffer areas is limited, with allowances for some common activities such as maintenance, pruning for views and access trails, and removing tree hazards. Expansion of an existing structure located inside a new buffer will be allowed in some circumstances, though limits apply when there are ecological impacts or life safety risks.

Homeowners can continue mowing the lawn, tending the garden, using the deck and shed, and enjoying the view. Business owners can continue ongoing operations. The SMP aims to provide a predictable and consistent approach to shoreline management and also enough flexibility to address the variety of on-the-ground realities. Avoiding a ‘cookie-cutter’ approach is why SMPs can be lengthy and complex documents.

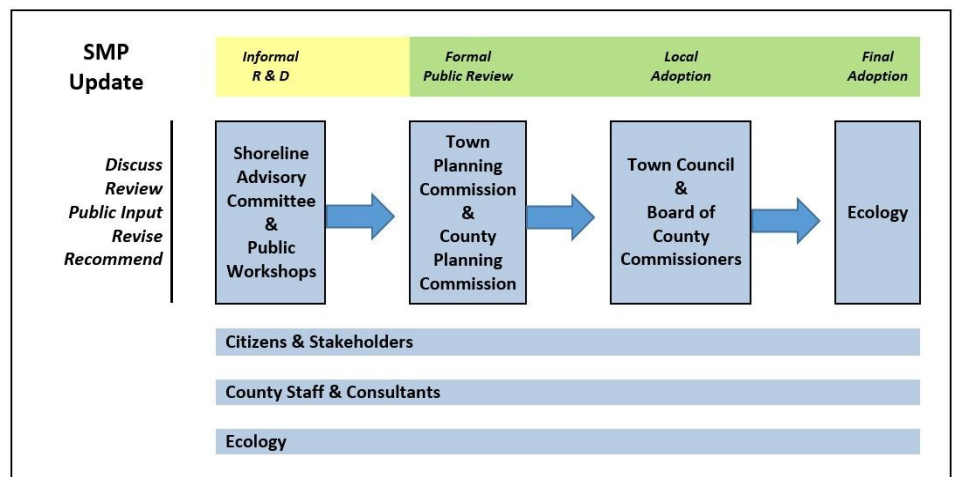




SMP Update Process

Revising an SMP is a rigorous process that must follow specific rules on content and procedure. The SMA is a state law implemented by the SMP Guidelines and other administrative rules that provide policy guidance and set minimum standards. Some issues require strict adherence to the rules while others must fall within a range of flexibility. This allows for local discretion and SMPs tailored to a community's unique values and shoreline conditions rather than a one-size-fits-all approach. Ultimately, an SMP must satisfy all state requirements.

Public involvement is a cornerstone of the prescribed SMP Update process typically involving advisory committees, public meetings, planning commission workshops, comment periods, Board/Council review and approval, and final state review and approval. The county and town have accepted input from citizens and stakeholders throughout the multi-year project to date. Meeting and comment period notices are published in the local paper.



For more information:

<http://www.ecy.wa.gov/programs/sea/shorelines/smp/index.html>

or

<https://www.dropbox.com/sh/ocnkg13m83dt03/AABqHpnhVHCXkflC-ROztYJsa?dl=0>

Michelle McConnell,
Regional Shoreline Planner
Michelle.Mcconnell@ecy.wa.gov

The legislature tasked the Department of Ecology to provide support, guidance, funding, and final approval for SMP updates with the intent to work in a partnership role with local government. Ecology will continue to work with the local community for a balanced approach to managing shorelines in Wahkiakum County and the Town of Cathlamet – a new SMP to protect what's good, and to promote wise use for the benefit of current residents and future generations.